

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

ROBERT SAPA	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 4:15-cv-01787
	)	
	)	
FREDRICA FLORENCE	)	
	)	
Defendant.	)	
	)	

**COMPLAINT**

COMES NOW Plaintiff Robert Sapa, for his Complaint against Defendant Fredrica Florence, and alleges as follows:

**Parties**

1. Plaintiff Robert Sapa is a resident of Wildwood, Missouri.
2. Upon information and belief, Defendant Fredrica Florence is a resident of San Diego, California.

**Jurisdiction and Venue**

3. This is an action for copyright infringement under 17 U.S.C. § 101 *et seq.*
4. The matter in controversy in this action exceeds the sum or value of \$75,000.
5. This Court has jurisdiction over the subject matter of the complaint pursuant to 28 U.S.C. 1338(a).
6. Upon information and belief, Defendant has consented to this Court's jurisdiction under 17 U.S.C. § 512(g)(3)(D) in Defendant's counter-notice sent to Etsy described below.

7. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and (c) because a substantial part of the events or omissions giving rise to the claims occurred in this district and a substantial part of the property that is the subject of the action is situated in this district.

**Facts Common to All Counts**

8. Plaintiff created an original jewelry design for a piece of jewelry shaped like a carriage in 2012 (“the Work”).
9. Plaintiff submitted a copyright application for the Work on October 16, 2015 with the United States Copyright Office (See Exhibit A).
10. Plaintiff sells jewelry embodying the Work online at eBay and Etsy.
11. Plaintiff discovered that Defendant is selling an infringing product on Etsy at <https://www.etsy.com/listing/251026703/glow-cinderella-pumpkin-coach-glow>, which copies Plaintiff’s original design.
12. Plaintiff sent notices of alleged copyright infringement in compliance with the DMCA to eBay. In response, eBay removed the infringing products.
13. Plaintiff sent notices of alleged copyright infringement in compliance with the DMCA to Etsy. In response, Etsy removed the infringing products, including Defendant’s infringing product.
14. Defendant subsequently filed a counter-notice which, upon information and belief, includes a sworn statement that contests Plaintiff’s claim.

**COUNT I - COPYRIGHT INFRINGEMENT**  
(17 U.S.C. § 101)

15. Plaintiff incorporates by reference the allegations of each of the above paragraphs as if fully set forth herein.

16. Defendant, without authorization from Plaintiff, made or had made numerous infringing copies of the Work.
17. In addition, Defendant has, without authorization from Plaintiff, distributed the infringing copies to the public by sale.
18. The conduct of Defendant constitutes willful copyright infringement in violation of 17 U.S.C. § 501 and is irreparably harming Plaintiff.
19. Defendant has infringed Plaintiff's copyright through making or directing that infringing copies be made of the Work and by selling these infringing copies to the public.
20. Defendants are liable to Plaintiff for actual and/or statutory damages arising from their infringement, and all cost of this action, including reasonable attorney fees. In addition, Plaintiff entitled to temporary, preliminary, and permanent injunctive relief to prevent further harm.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff demands a judgment against Defendant and prays that this Court will:

- a. Permanently enjoin Defendant, their agents, servants, employees, and attorneys and all persons in active concert or participation with them or acting for, with, by, through, or under them from infringing on Plaintiff's copyright including selling jewelry which embodies the Work.
- b. Grant to Plaintiff an award of statutory damages against Defendant, the costs of this action, and Plaintiff's attorney's fees, pursuant to 17 U.S.C. §§ 502,

504-05. Order Defendant to surrender any remaining jewelry which embodies the Work or otherwise infringes on Plaintiff's copyright.

- c. Award attorney's fees, costs and expenses, and pre- and post-judgment interest.
- d. Grant such other and further relief as may be just and proper.

**REQUEST FOR JURY TRIAL**

Plaintiff hereby requests trial by jury of the above-styled matter.

Respectfully submitted,

By: s/Arthur K. Shaffer

Arthur K. Shaffer, MO #51229  
INTELLECTUAL PROPERTY CENTER, LLC  
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Overland Park, Kansas 66210  
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ATTORNEY FOR PLAINTIFF  
ROBERT SAPA

**CERTIFICATE OF SERVICE**

I hereby certify that on December 3, 2015, I electronically filed the foregoing COMPLAINT with the Clerk of Court using the CM/ECF system which will send a notice of electronic filing to the attorneys of record for the Defendants.

By: /s/Arthur K. Shaffer